

**TOWN OF DAVIE  
REGULAR MEETING  
JANUARY 7, 2004**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert, and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Jack Flaherty, 5391 SW 58 Avenue, complimented Council on its work and spoke about the last Council meeting where discussion was held on Old Business at a late hour. He also spoke against the Nova Southeastern University Regional Activity Center (RAC) project and other projects which were brought before Council in their planning stages.

Ben Wesley, 5200 SW 109 Avenue, indicated that FPL would be a sponsor of the Orange Blossom Festival. Mayor Truex advised that the Town appreciated FPL's generosity.

Charles Cobb, 13316 SW 26 Street, distributed a letter and spoke against the Planning and Zoning Division's efforts to cite him for "hat racking" his trees. He felt his property rights were being stripped and that the Town had no authority to tell him how to trim his trees. Mr. Cobb pointed out areas of the Town's properties with animal carcasses and rotting pines. Mayor Truex asked Mr. Willi to look into these issues.

Arthur Joseph, 13700 SW 18 Court, spoke about Vice-Mayor Starkey's characterizations made in a Miami Herald article. He spoke against the Sheridan House project in his community.

Caryl Casey-Hattan introduced herself and indicated she was running for the District 2 Council seat.

John Endruschut, 5651 SW 54 Court, spoke about the need for traffic calming measures on SW 58 Avenue. He indicated that this problem created an obstacle with selling his home and asked Council what could be done about this. Mayor Truex asked Mr. Willi about the status of proposed improvements on this street. Mr. Willi spoke about obstacles facing the Town with regard to making improvements in this area. He indicated that various options had been presented to the community which were frowned upon. Mr. Willi advised that a proposal for improvements was currently on hold. Mayor Truex asked if road patrols could be stepped up in this area. Mr. Willi indicated that this option would be explored.

Deborah Tam, 1540 SW 119 Terrace, agreed with Arthur Joseph's earlier comments with regard to Vice-Mayor Starkey's characterizations. She endorsed Mitch Topal for District 3 and felt the Council needed some new faces. Ms. Tam indicated that three homes had gone up for sale in her neighborhood since the Sheridan House project had been approved.

Karen Nowicki, 5480 SW 55 Avenue, felt there was a need for a comprehensive master plan with regard to land use and redevelopment plans. She felt the Town should exercise financial restraint with regard to Mr. Kiar's legal fees. Ms. Nowicki spoke against recent actions made by Council and endorsed Mitch Topal in the March 2004 elections. In addition, she voiced her opposition to campaign contributions received by Mayor Truex which she felt indicated bias.

Ricky Moses, 5600 SW 54 Street, spoke against the IDI development and wanted to see the Silver Lakes Park remain intact.

Claudette Bonville, 11817 SW 42 Court, felt Vice-Mayor Starkey should have recused herself from the Sheridan House vote. Vice-Mayor Starkey felt she had no reason for recusal.

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Martin Kiar announced his candidacy for State Representative for District 97 and voiced his support for open space.

June Connors, 1701 SW 127 Avenue, spoke about ongoing problems related to hazardous conditions and dying trees at the Summerlake Property Nursery. She asked Council what was being done. Mr. Willi indicated that Code Compliance Supervisor Danny Stallone was not present. Mr. Kiar assured Council that this issue was top priority. He thanked Ms. Connors for her testimony at the trial and advised of briefs and appeals filed on the case.

Vice-Mayor Starkey indicated that there was an abandoned car on the site and advised that Council had requested to do a site visit. She asked that Mr. Willi follow up on that request. Councilmember Paul indicated that she had taken pictures of the site.

Kathy Tibbets, 2730 Hiatus Road, reiterated her daughter's complaints on the Summerlake property. She spoke about the health problems, hazardous conditions and vermin on the site, where children had contact and asked why nothing could be done. Ms. Tibbets spoke about Calvary Chapel's action of planting 12 small trees on their side of the property. She asked the Town to replant some landscaping.

Mayor Truex asked Development Services Director Mark Kutney if Calvary Chapel was in compliance per the site plan. Mr. Kutney responded in the affirmative.

Marie Kaplan, 5721 SW 54 Court, spoke against the IDI project.

Mayor Truex asked if this was a site specific matter. Mr. Kiar advised that Council could not speak on this item at the time as it was a pending matter. Mayor Truex advised Ms. Kaplan that as this was a site specific plan, she would be able to speak on this item in March, 2004.

Norm Blanco, 2080 SW 72 Avenue, stated that actions over the recent months had encouraged him to push Council for a new Charter Review Board. He accused Council of turning a democracy into a theocracy. Mr. Blanco spoke against Vice-Mayor Starkey and Mayor Truex's views on the IDI project and the Sheridan House project.

Vice-Mayor Starkey requested that transcripts of all public comments from the last open public meetings and future meetings be provided verbatim. She felt that some residents were obstructing her first amendment rights and spoke against their prejudicial comments.

Richard Bury, 3000 Hiatus Road, offered his services as a court reporter. He spoke against trucks speeding along Hiatus Road, between 26th Street and Orange Drive, at early morning and afternoon hours. Mr. Bury also spoke about sand blowing over onto his property from the project area and voiced concern about the health and safety of residents in the area. Vice-Mayor Starkey offered to meet with Mr. Bury and wanted to see the developer's agreement on this project, with regard to truck operation hours.

Mitch Topal, 12720 SW 13 Manor, indicated that he had spoken to several members of the public regarding their feelings about the present Council. He spoke about comments made by District 3 residents, who were dissatisfied with Vice-Mayor Starkey and Mayor Truex's actions. Mr. Topal indicated that several residents felt Council favored developers and special interests over residents. He provided his platform for election to District 3 Councilmember.

Vice-Mayor Starkey indicated that not all Councilmembers were serving when GL Homes was approved for the development of projects currently under construction. She outlined various efforts current Council had made to preserve the Town's rural character and develop parks and wetlands to save acreage from development.

Mayor Truex advised that the applicant had requested that item 4.14 be tabled until January 21, 2004.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0).

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Mayor Truex advised that the petitioner had requested that item 4.15 be tabled until February 18, 2004.

Neal Kalis, representing the petitioner, indicated that the petitioner wanted to ensure that drainage was compatible with the site plan before coming back to Council to discuss this item.

Councilmember Hubert asked about a dog in a pen on the property. Mr. Kalis indicated that he would contact Mr. Cassidy with regard to this.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0).

Mayor Truex advised that item 6.6 was requested to be withdrawn.

Mayor Truex advised that item 4.20 was requested to be added.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0).

#### 4. APPROVAL OF CONSENT AGENDA

##### *Minutes*

4.1. October 28, 2003 (Workshop) (tabled from December 17, 2003)

4.2. November 5, 2003 (Regular)

##### *Resolutions*

R-2004-1 4.3. **QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 25' OF RIGHT-OF-WAY FROM FRANK AND VERONICA MIELE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 3, 2003)

R-2004-2 4.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR WESTERN HIGH SCHOOL, INDIAN RIDGE MIDDLE SCHOOL AND SEVEN ELEMENTARY SCHOOLS IN THE TOWN OF DAVIE. (\$72,000 reimbursement)

R-2004-3 4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FIVE STAR RODEO INC AND THE TOWN OF DAVIE. (\$4,800)

R-2004-4 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A PARKING LOT AT THE RICK AND RITA BOYS & GIRLS CLUB AT DRIFTWOOD ESTATES. (Blacktop, Inc. - \$34,946.50)

R-2004-5 4.7. **ADDITIONAL COST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING ADDITIONAL COST FOR ROOF-MOUNTED STROBE LIGHTBARS FOR TYPE-1 MEDIUM DUTY FIRE RESCUE AMBULANCES FROM WHEELED COACH INDUSTRIES, INC. (Wheeled Coach Industries, Inc - \$5,070)

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- 4.8. **MONEY PURCHASE PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN OF DAVIE MONEY PURCHASE PLAN AND PROVIDING AN EFFECTIVE DATE.  
R-2004-6
- 4.9. **COMMUNITY ENDOWMENT FUND** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SALE OF COMMUNITY ENDOWMENT FUND INVESTMENTS IN THE AMOUNT OF \$2.5 MILLION DOLLARS AND AUTHORIZING THE APPROPRIATION AND TRANSFER OF THE PROCEEDS TO THE NEWLY ESTABLISHED TOWN OF DAVIE, DEFINED BENEFIT PENSION PLAN.  
R-2004-7
- 4.10. **ISSUANCE OF BUILDING PERMITS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AGREEING NOT TO ISSUE BUILDING PERMITS PRIOR TO RECEIVING WRITTEN CONFIRMATION THAT COUNTY IMPACT FEES HAVE BEEN PAID OR ARE NOT DUE, AND PROVIDING AN EFFECTIVE DATE.  
R-2004-8
- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTHERN HOMES OF DAVIE V, LLC FOR REGIONAL ROAD CONCURRENCY RELATING TO THE MILLCREEK RANCHES, DIAMOND CREEK AND BLACKSTONE CREEK; PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 11-1-03, 3011 SW 148 Avenue, 15700 SW 28 Street and 3151 SW 154 Avenue)  
R-2004-9
- 4.12. **FINDINGS OF ADEQUACY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION DG 12-1-03, CONSENTING TO AN APPLICATION FOR FINDINGS OF ADEQUACY FOR THE PINE ISLAND COMMERCIAL PLAT (167-50); AND PROVIDING FOR AN EFFECTIVE DATE. (DG 12-1-03, Pine Island Commercial Plat, 8501 Orange Drive)  
R-2004-10
- 4.13. **RESTRICTIVE NOTE AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "FALCON'S LEA" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 12-4-03, Falcon's Lea Park, 14900 Stirling Road)  
R-2004-11

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*Site Plans*

- 4.14. SP 10-1-02, Sharon Gardens/Rancho Alegre, 2801 SW 148 Avenue (A-1) (tabled from December 17, 2003) *Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site*
- 4.15. SP 3-3-03, FMC Telecom Office Building, 6075 Orange Drive (B-2) *Site Plan Committee recommended approval based on the planning report and adding cross-hatching across the existing back-out spaces onto Orange Drive so that it would be clear that there was a "designated" sidewalk and pedestrian access behind those existing car spaces*
- 4.16. SP 8-2-03, Hidden Hollow, 4930 SW 66 Terrace (RM-10) *Site Plan Committee recommended approval subject to the staff report and to delineate a continuous sidewalk with pavers in front of the units*
- 4.17. SP 9-4-03, Blackstone Creek, 3151 SW 154 Avenue (A-1) *Site Plan Committee recommended approval based on the planning report and that lots 1 and 14 define the driveway entrance so that they're towards the western portion of those sites, past the divided median at the entrance; that pavement markings be added to the plans; and that the one cul-de-sac be landscaped subject to staff's review*

*Temporary Use Permits*

- 4.18. TU 11-1-03, Turnberry Tower Shops (Antique Automobile Club of America - Ft. Lauderdale Region), 1904 South University Drive (antique car show)
- 4.19. TU 11-2-03, St. Bernadette Church, 7450 Stirling Road (carnival)
- 4.20. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A  
R-2004-12 DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT  
KNOWN AS THE MAIN STREET PLAT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Truex advised that staff had requested that items 4.8 and 4.9 be removed from the Consent Agenda and be heard after item 6.2.

Councilmember Paul requested to remove items 4.17. Councilmember Hubert asked to remove items 4.4 and 4.20. Mayor Truex requested to remove item 4.16. Mr. Kiar requested to remove item 4.2.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.2, 4.4., 4.8, 4.9, 4.16, 4.17 and 4.20. In a voice vote, all voted in favor. (Motion carried 5-0).

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

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4.2 Mr. Kiar advised of an error on page 12. Mr. Willi advised that this correction had been made and sent to Mr. Kiar.

Vice-Mayor Starkey advised of an error under items 6.1 and 6.2. She requested correction to the vote to reflect Councilmember Paul's absence. She also requested a correction to the name spelling of petitioner Alejandro Delfino.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve subject to corrections indicated by Mr. Kiar and Vice-Mayor Starkey. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Councilmember Hubert asked whether the allotment of officers for schools was adequate. Councilmember Paul indicated that officers shared the elementary school SRO's and advised of the many requests made by schools for full time officers. She stated that the current allotment of officers was all the School Board provided. Councilmember Hubert felt the officers would be overworked and mentioned that it was difficult to find ready assistance with such a sparse number of officers.

Vice-Mayor Starkey suggested a goal setting session to discuss the fiscal impact. Mayor Truex agreed with organizing a goal setting session for this item.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 and 4.9 Later in the meeting, Vice-Mayor Starkey indicated that some employees had asked questions about the transfer of the \$2.5 million dollar amount. She asked Budget and Finance Director William Underwood to explain. Mr. Underwood explained that only the interest portion would be taken and that the principal balance would remain.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Jeff Evans, the owner, gave a brief presentation and spoke about obstacles he had faced with buying enough property to create space to build a road.

Mayor Truex indicated he was not sure how the project would work. Mr. Evans indicated that he had come up with the suggestion to make a "T" intersection.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.17 This item was approved later in the meeting.

4.20 Planning and Zoning Manager Fernando Leiva gave a brief presentation of the staff report on this item. He indicated that this item was presented before Council at the request of Broward County.

Vice-Mayor Starkey spoke against the name "Main Street" as there were numerous projects with the same name. Bill Laystrom, representing the petitioner, indicated that the site was called Davie Square Shopping Center. He stated that he would ask Broward County if the name could be changed.

Councilmember Hubert asked where the bank would go. Mr. Laystrom indicated accordingly.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 2004-1      6.1.      **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-21 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE TO ADD REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT TO THE LIST OF ZONING DISTRICTS; AMENDING SECTION 12-24 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE TO PROVIDE FOR A STATEMENT OF PURPOSE AND INTENT FOR THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE ZONING DISTRICT; ENACTING NEW SECTIONS 12-32.400 THROUGH 12-32.411 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, TO BE ENTITLED "REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT"; CREATING GENERAL REQUIREMENTS AND LIMITATIONS; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS;" PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading December 17, 2003 - all voted in favor with Mayor Truex dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Dr. George Hanbury, representing Nova Southeastern University (NSU), referred to Councilmember Hubert's previous request for affordable housing on the complex. He advised that NSU would be able to comply with this request and would provide a minimum of 22 units of affordable housing on the complex. Councilmember Hubert requested this decision in writing. Dr. Hanbury indicated that this action would be permanently recorded.

Mayor Truex asked how the affordable housing was defined, with respect to this project. Dr. Hanbury indicated that he had worked with the Town staff on this definition.

Councilmember Hubert asked that NSU consider individuals in lower income brackets for affordable housing. Dr. Hanbury indicated he would and advised that NSU would limit building to no more than 500 multi-family units on the complex, which would result in about 1.7 units per acre.

Herbert Wormser indicated that the map used by Council needed to be amended as five acres illustrated were not actually part of the RAC.

Mr. Kutney referred to properties not currently within the RAC that were adjacent to NSU. He advised that the Town was looking into incorporating these properties.

Mayor Truex indicated that Council would try to address this before the final vote on this plan.

Mayor Truex closed the public hearing.

Mayor Truex asked Mr. Kiar about an amendment to the comprehensive plan necessary to enact this ordinance. Mr. Kiar indicated that the height requirements would necessitate an amendment based on the RAC land use categories.

Mayor Truex asked how the Town could have a zoning category that did not comply with the land use plan. Mr. Kutney indicated that he had spoken with the petitioner's attorney about amending the ordinance as the current provision could not go through.

Hope Calhoun, representing the petitioner, agreed with most of what Mr. Kiar had stated. She indicated that the petitioner would not be opposed if the Town wished to amend the ordinance with respect to building height.

Mayor Truex asked about the status of the application to amend the comprehensive plan. Mr. Kutney indicated that the application had not yet been made. He advised Council that staff had researched the history of the 75 foot height requirement based on decisions set in place by former staff.

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Councilmember Paul pointed out that most of the larger buildings did not require an amendment to the comprehensive plan.

Mayor Truex reopened the public hearing at the request of a resident who arrived late.

Debra Colabella asked about the exact design for the open space area to the north of the site. She indicated that half the residents on her block had not received notices about the Planning and Zoning Board meeting when this item was discussed. Mr. Kutney explained that a notification to property owners was not necessary as the item before Council was not a rezoning, but a Code amendment.

Mayor Truex asked Dr. Hanbury when the rezoning application would come before the Planning and Zoning Board.

Dr. Hanbury indicated that it would be easier to develop the site plan concept if Council voted on this item tonight. He indicated that open areas, landscaping and roadways were planned for the area Ms. Colabella referred to. Dr. Hanbury advised that further meetings with other agencies were required before coming back before Council.

Mayor Truex asked that NSU meet with the residents to answer questions prior to approval by Council. Dr. Hanbury indicated that NSU would have more meetings with residents.

Mayor Truex closed the public hearing.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve, subject to adding amended language provided by Mr. Kiar. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

6.2. **RETIREMENT PLAN AND TRUST - AN ORDINANCE OF THE TOWN OF**  
2004-2 **DAVIE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A RETIREMENT**  
**PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF**  
**THE TOWN OF DAVIE; AUTHORIZING THE PARTICIPATION OF SAID PLAN**  
**AND TRUST IN THE FLORIDA MUNICIPAL PENSION TRUST FUND;**  
**PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING**  
**ORDINANCES; PROVIDING AN EFFECTIVE DATE. {Approved on First Reading**  
**December 17, 2003 - all voted in favor with Mayor Truex dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Elmira Nesbitt, P.O. Box 291421, spoke in favor of the plan and felt it was attractive to current and new employees. She asked what proposals were being offered to make sure that the disparity within the current pension plan would be addressed. Ms. Nesbitt asked if all general employees would be equal participants, regardless of their employment classifications. She inquired if the proposals would be presented in their entirety for public review and felt this plan would allow the Town to right a wrong that should not have taken place.

Mayor Truex closed the public hearing.

Assistant Town Administrator Ken Cohen indicated that the plan was for non-represented employees but advised that the Town was in negotiation with respect to represented general employees.

Mayor Truex asked Mr. Cohen to explain some of the updated material provided with regard to the cost for management and general employees. Mr. Cohen explained how the plan's cost would vary based on changes in the multiplier for general and management employees.

Councilmember Crowley asked if employees still had the option to remain in the current 401k plan until January. Mr. Cohen indicated in the affirmative. Councilmember Crowley asked about employees who would be vested as of February. Mr. Cohen indicated that every employee would be fully vested once the plan was approved. Councilmember Crowley voiced his appreciation that Mr. Cohen met



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with employees to discuss this issue. He asked who would make up the Pension Board. Mr. Cohen responded that the Board would include participants in the plan.

Councilmember Hubert asked if the Town could ensure that the plan would not be taken away from employees again. Mr. Cohen stated that he could not guarantee this but would discuss this further with Mr. Kiar.

Vice-Mayor Starkey wanted to ensure that Council was removed from the plan. Mr. Cohen indicated that Council was removed from the plan.

Mayor Truex referred to item 2.175 with regard to accrual for general employees and management.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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*Ordinance - First Reading (Second Reading to be held January 21, 2004)*

- 6.3. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 7-1-03, VACATING THAT PORTION OF THE ROAD EASEMENT ON THE NORTHSTAR PLAT LOCATED AT THE EASTERN TERMINUS OF SW 23 STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-03, Artistic Development Corp, 2276 Lynx Avenue (tabled from December 3, 2003) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that there would be a public hearing on this ordinance on January 21, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley asked about drainage improvements on 23rd Street. Town Engineer Larry Peters indicated in the affirmative.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held January 21, 2004)*

- 6.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND AG, AGRICULTURAL DISTRICT TO OPEN SPACE OVERLAY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-03, Southern Homes of Davie V, LLC/Keith and Ballbe, Inc., 3151 SW 154 Avenue) *Planning and Zoning Board recommended approval with the caveat that there be no exit on SW 28 Street and that the entrance and exit be on Shotgun Road only*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that there would be a public hearing on this item on January 21, 2004.

Mr. Kiar advised of the rules of the Quasi Judicial hearing and swore in the witnesses.

Senior Planner Marcie Nolan summarized the planning report.

Bill Laystrom, representing the petitioner, spoke about the merits of the project. He advised that density was below the one unit per acre Town rule and indicated that the site would not be gated. Mr. Laystrom advised that he had met with area residents who were satisfied with the plans. He spoke about plans to upgrade light fixtures to a colonial design, and to widen the bridge between the petitioner's site and Shotgun Road. Mr. Laystrom advised Council of further plans for the property including traffic calming, parks, trails, and horse crossings.

Mr. Kiar opened the public hearing portion of the meeting.

Damon Carroll, 2701 SW 154 Lane, stated that his neighborhood's concern was with the thoroughfare. He indicated that he wanted to eliminate the need for the equestrian path but was otherwise in agreement with the proposed development.

Bill Cirrola, 2681 SW 155 Lane, spoke in favor of the project but felt that the equestrian trail should be open space grass.

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Janice Carulli, 15434 SW 31 Street, spoke in favor of the project and was pleased with the development and improvements.

Ed Murphy, 2901 SW 156 Avenue, approved of the project but also had reservations about the recreational path.

Mr. Kiar closed the public hearing.

Mayor Truex asked Council for any disclosures.

Vice-Mayor Starkey indicated that she had spoken to the developer, many residents and the developer's attorney. Councilmember Paul indicated she had met with the entire development team and residents. Councilmember Hubert indicated she met with Mr. Laystrom and Mr. Garcia. Councilmember Crowley advised that he had spoken with Mr. Laystrom, Mr. Degenes and Carlos Ballbe. Mayor Truex indicated he had spoken to some representatives of the petitioner.

Mayor Truex asked if horse barns would be available on any parcels. Mr. Laystrom indicated that the developer would designate the parcels closest to the open space for barns. Mayor Truex asked if the developer would try to market these to prospective buyers. Hector Garcia indicated in the affirmative. Mayor Truex asked the developer to advise prospective buyers about modifications and maintenance of the land. Mr. Garcia indicated that the public would be advised about these in the sales material.

Mayor Truex asked about hazards related to riding horses. Councilmember Paul indicated that the best place to ride was on the FPL easements because they had been stabilized in certain areas.

Councilmember Paul indicated that it might be a good idea to fence the tot lot and asked about truck traffic with respect to providing the fill. Councilmember Paul felt that truck traffic needed to be addressed.

Mayor Truex asked what time of day the trucks came out. Mr. Garcia replied that trucks normally operated from 7:00 a.m. to 4:00 p.m.

Councilmember Paul spoke about problems with early morning traffic and asked if the trucks could start later. In addition she asked where the fill would come from. Mr. Garcia indicated that 60% would come from the lake excavation and 40% would come from outside.

A resident spoke about truck traffic around the three school bus stops to the north early in the morning.

Mayor Truex asked if the trucks would run seven days a week. Mr. Garcia indicated that trucks would run only five days.

Councilmember Crowley asked if the Diamond Creek site would be changed. Keith Ballbe indicated that there would be some changes needed for Diamond Creek. Councilmember Crowley asked if the developer would create one master plan for the two sites. Mr. Ballbe responded in the affirmative and indicated that both properties would be looked at as one water management system. Councilmember Crowley pointed out the green swath area to the north, which encroached on some residents' properties to the east. Mr. Ballbe responded that this area was the existing FPL easement and indicated that the developer would only do work on its half of this easement. Councilmember Crowley asked how the public would be prevented from parking on those public areas. Mr. Ballbe indicated that signage would be used but that residents could pull off on the swale.

Vice-Mayor Starkey asked if the trail indicated would be on the Town's trail guide. Councilmember Paul responded that the north trail would not, but that the other trail would. She suggested that only the major trail going into the park be put on the Town trail guide.

Vice-Mayor Starkey asked about landscaping and maintenance. Mr. Ballbe indicated that landscaping and maintenance would be provided on the developer's half of the Diamond Creek side.

Vice-Mayor Starkey stated that she was not happy with the clustering effect of this project, as she wanted to see Davie remain with the one unit per acre guide. She indicated that she felt torn as she

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realized that the site also had unique characteristics. Mayor Truex indicated that he was also against clustering, but since the developer's proposal was legal, he would be in favor.

Mr. Garcia stated that he understood Council's reservations with regard to clustering, and asked that they regard this as a specific instance, as it was not likely to open the door to similar efforts by future developers.

Councilmember Paul felt this project was consistent with Council's desire to preserve open space and parks.

Vice-Mayor Starkey asked staff to look into designs for covered bridges that would sustain fire trucks.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve items 6.4 and 4.17, subject to conditions as follows: that regarding rezoning, the site plan be approved on the condition that the rezoning passed on the second reading; that the site plan run with the application; that deed restrictions be defined along with the maintenance plan for the next reading; that deed restrictions be revised; that the lights be upgraded to colonial fixtures; that the bridge be widened for the horse path; that the horse trail be eliminated from the section along 28th ; that the park construction start at the same time as the first and finish no later than the tenth; that the horse crossing and traffic calming be included; that No Parking signage be installed; that traffic plan for trucks be developed; that the tot lot be fenced; and that the maintenance plan and management plan be developed for the open space.

Mayor Truex reopened the public hearing in response to a resident's request, with the agreement of Council and the petitioner.

Mr. Kiar swore in the speaker.

Richard Bury, 3000 Hiatus Road, indicated that he had called about a power line left on Hiatus Road. Mayor Truex indicated he would speak with Mr. Bury after the meeting of this item.

Mayor Truex closed the public hearing.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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*Quasi Judicial Item*

- 6.5. V 10-1-03, Stermer, 2980 SW 137 Terrace (R-1) (to reduce the north side setback from 25 foot to 20 feet for an addition to the existing single-family residence) *Planning and Zoning Board recommended approval*

Mr. Kiar advised of the rules of the Quasi Judicial hearing and swore in the witnesses.

Mayor Truex questioned whether Council had voted on item 4.17 along with item 6.4. Mr. Willi said his impression was that both items were being heard at the same time. Councilmember Paul reminded Mayor Truex of earlier statements with regard to approving the rezoning and the site plan together. All Councilmembers were in agreement.

Mr. Leiva summarized the planning report.

Daniel Stermer, representing the petitioner, explained the nature of the variance request and asked Council to vote in favor as the petitioner's neighbors had no opposition to this request. He submitted printouts from the Property Appraiser's Office of adjacent neighbors.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul indicated she had spoken to both Mr. Stermer and his brother.

Mayor Truex asked why Planning and Zoning Board member Mr. McLaughlin had voted against the variance. Mr. Leiva indicated that this was probably related to the rural lifestyle regulations for front loading garages.

Councilmember Crowley asked how many notices were sent out. Mr. Leiva indicated that 107 notices were sent out.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Item to be Withdrawn*

6.6. **WITHDRAWN BY STAFF**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT) 03-08B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO ESTABLISH A "LOCAL ACTIVITY CENTER" LAND USE CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003)

This item was withdrawn earlier in the meeting.

**7. APPOINTMENTS**

- 7.1. Airport Advisory Board (two exclusive appointments - Councilmember Hubert; one exclusive appointment - Mayor Truex) (terms expire December 2004)

Councilmember Hubert appointed Andre Parke.

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- 7.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.3. Community Relations Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004)

No appointment was made.

- 7.4. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Hubert reappointed Jim Futch.

- 7.5. School Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Councilmember Hubert appointed Martin Kiar.

- 7.6. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.7. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

Mayor Truex appointed Idalberto Clark.

**8. OLD BUSINESS**

- 8.1. Bid for Insurance - Risk Management (Pursuant to Council direction at the September 15, 2003 workshop meeting)

Mark Alan, Human Resources Management Director, gave a brief presentation on SERMA. Council agreed with staff's recommendation to continue using this program and gave direction for the Town to remain with SERMA at this time.

Vice-Mayor Starkey asked if financial data could be provided for review.

Councilmember Crowley asked if there had been any major increases in the insurance. Mr. Alan indicated in the negative. Councilmember Crowley stated he would like to see a statement in two or three years, then revisit the issue. Mayor Truex suggested another review of this issue in one year.

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**9. NEW BUSINESS**

**9.1. Public Participation Options**

Mr. Willi indicated that Council had discussed exploring initiatives to increase public participation projects. He referred Council to packets which included research completed by staff, that outlined the concept of a Public Participation Plan and Report. Mr. Willi explained that at the time of application, the petitioner would provide a public participation plan to be reviewed and approved by staff. He advised that before Council deliberated, the petitioner would have to provide a public participation report in correlation with the original plan along with details of discussions and resolutions. Mr. Willi felt this plan would be to the Town's and the citizen's advantage if this concept were developed into a procedure which could be codified for future projects.

Vice-Mayor Starkey asked how recent applications had been progressing since Council had asked them to meet with residents. Mr. Willi indicated that recent projects proved there was still room for improvement, as petitioners often spoke about their efforts to contact and involve residents, while residents indicated the opposite. Mr. Kutney indicated that a workshop was held in December 2003 with members of the community. He advised that these ideas had been well received and felt Mr. Willi's proposal took the process a step further.

Vice-Mayor Starkey pointed out that often homeowners' associations and the public were unsure who to meet with. She suggested updating this information to ensure that developers met with the community. Mr. Willi felt this process would be an important tool to help citizens feel more empowered.

Vice-Mayor Starkey asked what could be done if a developer did not meet with residents. Mr. Willi indicated that the ordinance could have a stipulation that the developer must meet with the public and that if they did not, the item would not go before Council.

Councilmember Paul spoke in favor of this concept. Mayor Truex also spoke in favor of the concept; however, he did not want to hassle smaller project developers out of proportion. He felt some thresholds should be established on a scale according to project sizes.

Mr. Willi agreed with Mayor Truex that it could be burdensome for some smaller projects and indicated that some threshold would be considered in developing the concept.

Councilmember Paul felt the Town's wildlife survey was not effective. Mr. Willi indicated that the Town was working on additional requirements regarding State permitted animals.

Council directed Mr. Willi to continue on this process. Mr. Willi advised that he would work on a staff report to be provided to Mr. Kiar, before drafting an ordinance.

**10. MAYOR/COUNCILMEMBER'S COMMENTS**

**COUNCILMEMBER PAUL**

**NEW BUS ROUTE.** Councilmember Paul indicated that she and other residents had taken an inaugural ride on the new bus route the Town took over from the County. She stated that the bus was fairly full and adequately equipped.

**VAN KIRK PURCHASE.** Councilmember Paul spoke in favor of the Town's purchase of 115 acres and asked if the Town would be restricted on the total time allowed for using this property. She asked if it would be possible to consider using it as a pre-hurricane holding place for horses.

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**LIGHTING.** Councilmember Paul spoke about the light glare problem from Rick Case Honda and indicated that this was being addressed.

**ENTRANCE TO BONAVENTURE.** Councilmember Paul requested to speak with Public Works/Capital Projects Director Bruce Bernard about the intersection at 136th and 14th regarding changes made for the entrance to Bonaventure.

**VICE-MAYOR STARKEY**

**AERIALS.** Vice-Mayor Starkey asked for colored aerials for photographs provided with Council's back up.

**TRANSCRIPTION.** Vice-Mayor Starkey wanted Council to consider using software programs that could record verbatim transcripts of Council meetings. She offered to provide examples of such software and advised that this might result in some cost savings due to shorter stenography time. Vice-Mayor Starkey suggested looking into this as there were some instances where Council had to correct items transcribed. Town Clerk Muniz explained that such programs could not be trained to pick up voice recognition for all who spoke at meetings. Vice-Mayor Starkey felt programs such as those used by court stenographers would be quicker and more cost effective. Mr. Willi advised that software used by court stenographers would increase the Town's cost.

Mayor Truex suggested adding this item for future discussion in the near future.

**VAN KIRK PURCHASE.** Vice-Mayor Starkey thanked staff members involved in the recent purchase of the property.

**PROOFREADER.** Vice-Mayor Starkey suggested hiring a proofreader who could work full time among different Town departments to correct errors before items were agendaized.

**HAPPY NEW YEAR.** Vice-Mayor Starkey wished everyone a happy New Year.

**ELECTION.** Vice-Mayor Starkey announced that she would run for re-election.

**COUNCILMEMBER CROWLEY**

**MAINTENANCE BUILDING.** Councilmember Crowley asked to see the buffer options for the Public Works maintenance building and asked that this issue be reviewed at the next meeting. **COMMITTEES.** Councilmember Crowley referred to Mayor Truex's request for an opinion with regard to appointing Councilmembers on committees. Attorney Andre Parke indicated that Councilmembers could be appointed to boards, as long as the boards did not have final authority. Councilmember Crowley asked about appointment to the Site Plan Committee. Mr. Parke stated that the opinion of the previous Town Attorney indicated that since the site plan was site specific, along with quasi judicial items, Council would not be able to serve on this committee.

**COUNCILMEMBER HUBERT**

**ABSENCE.** Councilmember Hubert indicated that she would not be at the next meeting.

**HOLIDAYS.** Councilmember Hubert spoke about her efforts, along with those of Mr. Willi, staff and residents to help the less fortunate over the holidays.

**MAYOR TRUEX**

**CONDOLENCES.** Mayor Truex sent condolences to the Griffin family on the passing of Mrs. Hammer.

**AIRPORT.** Mayor Truex spoke about a meeting he had attended with residents in Maleluca Gardens regarding the airport issue. He asked about Council's next workshop date. Town Clerk Muniz indicated that January 29, 2004 was the tentative date. Mayor Truex stated that Council had to move more quickly on this issue.



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**PARK CITY WATER.** Mayor Truex asked about the status of Park City's water system with the City of Sunrise. Mr. Kutney indicated that Sunrise was putting together a liability waiver and advised that the attorney handling this issue would be mailing a form to the community in the near future.

Mayor Truex asked if the Town could do anything about this problem. Mr. Kutney indicated that the community would begin attending the commission meetings at the City of Sunrise to ensure that those parties were aware of the situation. Mayor Truex asked when the community would go before the delegation and indicated he would also be willing to attend if he was available.

**TREE ORDINANCE.** Mayor Truex spoke about the tree ordinance and felt that the individual owners should not be negatively affected by this.

**VAN KIRK PURCHASE.** Mayor Truex thanked Council for their efforts on the Van Kirk purchase.

**ELECTION ETHICS.** Mayor Truex spoke about the nature of election ethics and urged candidates to voluntarily agree to ethical standards for upcoming elections.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

**SOUTHERN HOMES.** Mr. Kiar indicated that the Southern Homes litigation was concluded with regard to the Flamingo and Charleston plats.

**ROAD ASSESSMENT.** Mr. Kiar spoke about \$60,000 that was recovered from old road assessment liens.

**VAN KIRK PURCHASE.** Mr. Kiar stated that he was pleased with the Town's purchase of the Van Kirk property as he felt it enhanced the community. He felt the Town Council deserved all the accolades for their efforts.

**HAPPY NEW YEAR.** Mr. Kiar wished everyone a happy New Year.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 10:48 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk